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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,090	12/01/2003	Kazuhumi Muto	00684.003349.1	1429
5514	7590	07/23/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGO, HOANG X	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,090

Applicant(s)

MUTO ET AL.

Examiner

Hoang Ngo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,12-15,17-19 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-11,16 and 20-24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/095,014.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/01/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the legal phraseology used (i.e. comprising, means). Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 1, 2, 6, 7, 13, 14, 17, 18, and 19 are objected to because of the following informalities:

Claim 1, line 8, "said holding means this movable" should be changed to -
-said holding means is movable- - in order for it to be clear and precise.

Claim 2, line 3, "shaft of vibrating means" should be changed to - -shaft of
said vibrating means- - in order to avoid double recitation.

Claim 2, line 4, "mounting said shaft of vibrating means" should be
changed to - -said shaft of said vibrating means- - in order for it to be clear and
also to avoid double recitation.

Claim 2, line 6, "shaft of vibrating means" should be changed to - - shaft of
said vibrating means" to avoid double recitation.

Claim 6, lines 2-3, "axis of holding means directed perpendicular" should
be changed to - -axis of said holding means directly perpendicular- - in order to
avoid double recitation and for it to be clear.

Claim 7, lines 2-3, "axis of holding means" should be changed to - - axis of
said holding means- - in order to avoid double recitation.

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Claim 7, line 6, "a rotational axis of holding means" should be changed to -
- said rotational axis of said holding means- - in order to avoid double recitation.

Claim 13, line 11, "said holding means this movable" should be changed
to said holding means is movable- - in order for it to be clear and precise.

Claim 14, line 6, "shaft of vibrating means should be changed to - - shaft
of said vibrating means- - in order to avoid double recitation.

Claim 17, line 1, "5. A" should be changed to - -a- - in order for it to be
clear.

Claim 18, line 1, "1-8" should be changed to - -18- -.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35
U.S.C. 102 that form the basis for the rejections under this section made in this
Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in
public use or on sale in this country, more than one year prior to the date of application for patent in
the United States.

1. Claims 1, 2, 6, 7, 12-15, 17-19, and 25-27 are rejected under 35
U.S.C. 102(b) as being anticipated by Tokuhashi et al.

Tokuhashi et al disclose a cleaning device (Fig. 4) having a cleaning
member 23 contact to clean a surface of a moving image bearing member 1, a
holding member 33 for holding the cleaning member, a vibrating member 22
which is vibratable and supported on the holding member (see Fig. 4) and the

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holding member is movable toward and away from the image bearing member (col. 5, lines 19-46).

Tokuhashi et al further disclose the vibrating means includes driving means (see rotating direction of Fig. 5) for rotating a shaft 16 of the vibrating means and a weight 21 mounted to the shaft having a position of a gravity center defeated from a center of rotation of the shaft (see Fig. 5), the holding means is swing able about a rotational axis of the holding means perpendicular to a moving direction of the image bearing member (see arrow directions of Fig. 2) and the shaft of vibrating means extends parallel with a rotational axis of the holding means.

Allowable Subject Matter

4. Claims 3-5, 8-11, 16, and 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art of record teaches a vibrating device having a cover covering the driving means and the weight and a plurality of vibrating means arranged in a direction perpendicular to the moving direction of the image-bearing member.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hoang Ngo
Primary Examiner
Art Unit 2852

Hxn